

REMARKS

Claims 1-20 are pending in this application. By this amendment claims 1 and 6-8 have been amended and claims 16-20 have been added. No new matter has been added. Applicants request reconsideration of the rejections set forth in the Office Action mailed September 13, 2005 ("the Office Action") and allowance of this application for at least the following reasons.

Anticipation Rejections

In the Office Action, claims 1-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Document JP 05-263435 by Takamura ("Takamura") and claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Document JP 02-230410 by Suzuki ("Suzuki"). Applicants respectfully traverse these rejections.

A proper anticipation rejection requires each and every element set forth in the claim to be found in a single prior art reference. See MPEP § 2131. The anticipation rejections set forth in the Office Action do not properly establish that Takamura or Suzuki disclose or suggest each of the claim limitations. In particular, neither Takamura or Suzuki disclose or suggest adjusting a parameter of an undesired command signal as recited in independent claim 1. Additionally, Takamura does not disclose or suggest modifying a parameter of the second command signal as recited in independent claim 8.

Takamura discloses a passive control system configured to reduce a feeling of shock when a lever 6 is actuated from a positive signal S+ toward a neutral position and

the actuation overshoots the neutral position to a negative signal S-. The lever 6 is configured to be operated in a first direction to produce the positive signal S+ and in a second direction opposite the first direction to produce the negative signal S-. See the Abstract and Figs. 1 and 3 of Takamura. The positive signal S+ is configured to actuate a valve 4 to affect movement a boom cylinder 5 in a first direction and the negative signal S- is configured to actuate the valve 4 to affect movement of the boom cylinder 5 in a second direction. See Fig. 3 of Takamura. The control system includes a positive side deadband S1 and a negative side deadband S3 which establish preset signal values which the positive and negative signals S+, S- must respectively overcome before actuation of lever 6 will effect movement of boom cylinder 5. Takamura further discloses both deadband S1 and deadband S3 to be constant values.

Suzuki discloses a passive deadband zone configured to prioritize command signals communicated from a lever 2. The deadband zone includes a central dead zone 5, a first axis dead zone 11, and a second axis dead zone 12. See the Abstract and Fig. 2 of Suzuki. The first and second axis dead zones 11, 12 have no mutual interference and are disposed adjacent to the central dead zone 5. Actuation of the lever 2 along the first axis must overcome the central dead zone 5 and the first axis dead zone 11. Actuation of the lever 2 along the second axis must overcome the central dead zone 5 and the second axis dead zone 12. Suzuki discloses both the first and second dead zones 11, 12 as fixed zones. See Figs. 2 and 4-8 of Suzuki.

Regarding independent claim 1, neither Takamura nor Suzuki disclose or suggest a method for controlling a parameter of at least one signal including adjusting a

parameter of an undesired command signal, as recited in independent claim 1. As set forth above, both Takamura and Suzuki disclose passive systems including fixed deadband areas. That is, neither Takamura nor Suzuki disclose adjusting the respective deadbands S1, S3, 11, 12, therein. Accordingly, neither Takamura nor Suzuki disclose adjusting a parameter of an undesired command signal as recited in independent claim 1. For at least these reasons, Applicants request reconsideration of the rejection of independent claim 1 under 35 U.S.C. §102(b) and allowance of claim 1. Claims 2-7, 16 and 17 depend from claim 1 and are allowable for at least the above reasons as well as for their additional features.

Regarding independent claim 8, Takamura does not disclose or suggest an apparatus for modifying a parameter of at least one signal, the apparatus comprising a controller for modifying a parameter of a second command as recited in independent claim 8. As set forth above, Takamura discloses a passive system including fixed deadband areas and does not disclose modifying the deadband therein. Accordingly, Takamura does not disclose a controller for modifying a parameter of a second command signal as recited in independent claim 8. For at least this reason, Applicants request reconsideration of the rejection of independent claim 8 under 35 U.S.C. § 102(b) and allowance of claim 8. Rejected claims 9-15 depend from claim 8 and are allowable for at least the above reason as well as for their additional features.

Regarding new independent claim 18, neither Takamura nor Suzuki disclose a method for delivering a command signal including selectively passing a second command signal through a control function to selectively control a parameter of the

second command signal and subsequently removing the control function from the second command signal as recited in independent claim 18. As such, Applicants request the allowance of claim 18 for at least this reason. Newly added claims 19-20 depend from claim 18 and are allowable for at least the reason set forth above as well as for their additional features.

Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-15 in condition for allowance. Applicants submit that the proposed amendments of claims 1 and 6-8 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the Office Action applied newly cited art references against Applicants' invention in response to Applicants previous amendments made to merely rephrase the language of the then pending claims which did not affect the scope of the claims. It is respectfully submitted that the entering of this Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that the claimed invention, as amended, is not anticipated in view of the prior art references cited against the claims. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art, with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicants' undersigned representative at 202-408-4397.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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By: _____



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